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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,992	03/02/2004	Sang Woon Suh	1740-000038/US	9678

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EXAMINER	
ALUNKAL, THOMAS D	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
09/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/789,992	SUH ET AL.	
	Examiner	Art Unit	
	THOMAS D. ALUNKAL	2627	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Continuation Sheet

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627

/Thomas D Alunkal/
Examiner, Art Unit 2627

Continuation of NOTE 11: Regarding the applicant's arguments beginning on page 10 of Remarks, the applicant argues that the combined teachings of Sako in view of Ha fail to disclose all of the claimed limitations of independent claim 1. The applicant argues on page 11 that "The so-called disk identifier data of Ha and the disk ID information of Sako are not the same information. In Sako, the disk ID information indicates whether the disk is single or double density and recording form. Sako teaches recording this information in the TOC. The disk identifier data in Ha is the same for all disks in a lot or run of a manufacturing cycle, and therefore is not unique to a particular disk. Also, the disk identifier data in Ha is used for authentication/copy protection. One skilled in the art would not take the teachings in Ha of where to store authentication/copy protection information and apply that to storing single/double density and recording form information. While Sako and Ha use similar "disk identifier" terminology, that terminology applies to very different information having totally different purposes. As such, it is improper to contend that the placement of one type of information on a recording medium would inform one skilled in the art as to the placement of completely different information. Accordingly, one skilled in the art would not have combined the teachings of Ha with Sako was asserted in the Office Action. In view of the above, even assuming Ha was combined with Sako, the resulting combination fails to render claim 1 obvious to one skilled in the art." The Examiner respectfully disagrees. As noted by the applicant on page 11 of Remarks, Ha is relied upon for the teachings of variable locations of a disc ID on a recording medium. The crux of the applicant's argument is that the "disc identifier" of Ha fails to identify a particular disc, but rather is used for authentication/copy protection. However, Column 7, lines 17-43 of Ha disclose that "disc identifier" is used to discriminate a type of optical disc from a blank disc . Therefore, the "disc identifier" of Ha does identify a particular disc type. Thus, the combined teachings of Sako in view of Ha disclose the claimed limitations of independent claim 1.

On page 12 of Remarks, the applicant argues that the combined teachings of Sako in view of Horimai and further in view of Ha fail to disclose the claimed limitations of independent claim 49. On pages 12-13, the applicant argues "Again, Applicants incorporate the arguments made in the Amendment filed March 15, 2010. In summary, Applicants argued Sako explicitly teaches away from wobbling pits "in a non-overlapping manner with respect to a central line of the wobbled pits," as recited in claim 49, and that it is a well-known tenet of U.S. Patent Law that where one reference teaches away from the asserted combination, such a combination would NOT have been obvious to one skilled in the art. Still further, Applicants argued that such a combination would destroy the purpose and intent behind the wobbling in Sako, which is also a well-known impermissible combination. Applicants respectfully disagree. As the Examiner recognizes, Sako requires that the deflection of the pits meet the CD standards. As a result, the pits in Sako will overlap the central line. To suggest otherwise, would destroy the purpose and intent of Sako in meeting the CD standards. Accordingly, for the reasons give above, and given in detail in the March 15, 2010 Amendment, one skilled in the art would not have combined the teachings of Horimai with Sako; and Sako in view of Horimai, and Sako in view of Ha and Horimai, can not render claim 49 obvious to one skilled in the art." The Examiner respectfully disagrees. Specifically, the type of disc disclosed in Horimai is a CD (Column 9, lines 29-43). Therefore, the disc as disclosed by Horimai complies with the CD standard. As disclosed in Figure 5a of Horimai, wobbled pits are deflected by an amount so as to not overlap with a central line of the wobbled pits while still complying with the CD standard. Thus, when the teachings of Horimai are combined with the teachings of Sako, a wobbled pit string results that can be detected accurately by a single optical beam. The combined teachings of Sako in view of Horimai and further in view of Ha disclose the claimed limitations of independent 49.